

REMARKS

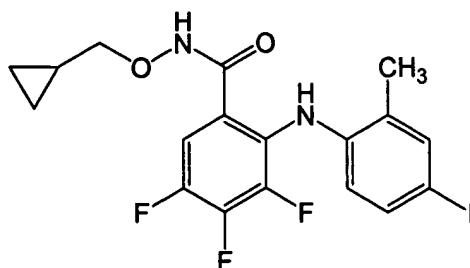
In the Office Action dated April 7, 2004, the Examiner states that this application contains the following groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1.1

- I. Claims 1-25 and 52-53, drawn to a method of treating chronic pain by employing compounds with formula I, which is benzamide.
- II. Claims 26-35, 54(in part), 38-43, drawn to a method of treating chronic pain by employing compounds with formula I(A), wherein Z is carboxylic acid.
- III. Claims 26-35, 54(in part), 36-37, drawn to a method of treating chronic pain by employing compounds with formula I(A), wherein Z is tetrazoyl.
- IV. Claims 26-35, 54(in part), 44-47, drawn to a method of treating chronic pain by employing compounds with formula I(A), wherein Z is C(O)NR₆R₇.
- V. Claims 26-35, 54(in part), 48-51, drawn to a method of treating chronic pain by employing compounds with formula I(A), wherein Z is an alcohol.

The Examiner also alleges that the claims are directed to more than one species of the generic invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. More specifically, the Examiner alleges that compounds with various moieties, as identified in groups I-V, are employed in the method of treating chronic pain.

In order to be fully responsive to the Examiner's requirements for restriction, Applicants provisionally elect, with traverse, to prosecute the subject matter of Group I, Claims 1-25, 52 and 53, drawn to a method of treating chronic pain by employing compounds with formula I, which is benzamide. Applicants also elect the species, N-cyclopropylmethoxy-3, 4, 5-trifluoro-2-(4-iodo-2-methyl-phenylamino)-benzamide having the following structure:

1 It is observed that claim 55 was not addressed in the restriction requirement, but should properly be examined together with the subject matter of Group I for the reasons outlined herein.



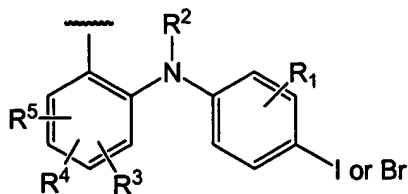
N-cyclopropylmethoxy-3, 4, 5-trifluoro-2-(4-iodo-2-methyl-phenylamino)-benzamide is disclosed in claims 25 and 52-53 of the present application. The claims readable on the elected species are 1, 2-12, 25 and 52-53.

However, pursuant to 37 C.F.R. §§1.111 and 1.143, Applicants hereby traverse the Examiner's requirement for restriction and request reconsideration thereof in view of the following remarks.

A requirement for restriction presupposes an analysis of the subject application in light of the rules governing this practice, i.e., 37 C.F.R. §1.499 and PCT Rules 13.1 and 13.2. PCT Rule 13.1, first sentence, states: "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ('requirement of unity of invention')." (Emphasis added.) PCT Rule 13.2 states: "The expression "technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." (Emphasis added.)

Applicants submit that Groups I-V are not distinct as the Examiner has alleged, but rather represent one single inventive concept warranting examination in a single application. All of the claims of the present application relate to a method of treating chronic pain using an MEK

inhibitor. Furthermore, all of the MEK inhibitors of the claimed invention share the following core structure:



Accordingly, each of the claims of the present invention are related to each other as different aspects of a single invention. It is submitted that each of the claimed inventions, when considered as a whole, defines a contribution over the prior art.

Accordingly, it is respectfully submitted that claims 1-55 satisfy the requirements for unity of invention. Applicants respectfully urge that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all the claims.

Respectfully submitted,

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